

Testimony on Substitute Senate Bill 193

Submitted by Columbus City Councilmember Michelle M. Mills

Chairman Young, ranking member Yuko, and distinguished members of the House Committee on Commerce, Labor, and Technology. I appreciate the opportunity to provide input regarding Substitute Senate Bill 193.

SCRAP METAL IN COLUMBUS

Residential and commercial burglaries, the theft of motor vehicles, motor vehicle parts and various types of metal materials that have value as scrap metal are significant and growing problems for law enforcement agencies, contractors and builders, railway companies, utility providers, development and real estate offices, business owners, home owners, and the citizens of Columbus and the state of Ohio.

In 2007, Columbus passed the first comprehensive legislation that regulates scrap metal sales in the State. The City Ordinance was designed to provide licensing and regulation of scrap metal dealers. This incisive legislation discourages and prevents the exchange of stolen property thru licensing, record-keeping, retention periods, and inspection. It restricts the purchase of specific items without reasonable proof of ownership, and limits the purchase of certain commercial items.

Along with regulation, the City also supported this measure by funding an electronic reporting database. Through Leads Online, the scrap yard facilities and the Columbus Division of Police can efficiently search through sales transactions looking for stolen property. This database has played a vital role in assisting property crime detectives in their search for stolen property and catching scrap metal thieves.

NEED FOR STATEWIDE REGULATION

While Columbus has worked to solve its problem with scrap metal, we need help and guidance from the State to have a great impact. The problem facing Columbus is that thefts are occurring within the City limits, while the sales occur across our borders. Thieves have become smart. They know that Columbus has strict regulations, but they are able to evade these regulations by moving across borders and selling their goods in municipalities that have less stringent laws and tracking systems.

The number one issue in my office according to call volume and complaints received while out in the community is scrap metal thefts. This issue hits every demographic in Columbus. It affects the real estate market (homes placed on the market have been stripped of all metal), the transportation industry (railway companies have had to worry about the theft of rail road ties leading to safety concerns for their trains), churches and small and large businesses (air conditioner units have been stolen along with other metals), public and private utility providers (whole sections of cities have lost power and been without access to 911 response due to the theft of copper wire), insurance companies (Ohio property owners made 2,398 claims of stolen scrap metal over the past three years¹), and individuals (homeowners and car owners have both lost materials to scrap metal thefts). Scrap metal thefts have also been a hardship on Columbus' Divisions of Police and Fire. Investigating scrap metal thefts are time-consuming for our Division of Police, and the thefts have resulted in gas explosions and fires in vacant buildings

¹ Editorial. "Scrap Traps: Variety of approaches could help stop Ohio's plague of metal thefts." *Columbus Dispatch* 28 March 2012.

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that our Division of Fire must address. The inability for some divisions of police to respond to 911 calls due to scrap metal thefts is unacceptable.

There is not much more that the City can do to reduce scrap metal theft without your help. We currently have a working relationship with the scrap metal facilities located within the Columbus boundaries. Police and facility owners have a monthly meeting to discuss issues and work on resolving outstanding thefts. The scrap metal facilities have participated in stings with our Division of Police. They have become our partners, but we need help ensuring that scrap metal dealers across the state abide by the Ohio Revised Code. Until there are enhanced statewide laws that protect our citizens, thefts within our City and sales outside of it will continue to happen.

STATEWIDE DATABASE

This Substitute Senate Bill offers many items that will help local municipalities, but none is more important than the statewide electronic reporting database. The sharing of information among the different municipalities will mean that we can put an end to thefts in one city and sales in another. Swift tracking of stolen goods also favors recovery and prosecution.

I hope that this statewide database will be like Columbus's electronic reporting database, Leads Online. Leads Online allows for electronic reporting for all scrap metal facilities in Columbus. The daily electronic reports from each facility are sent to the Columbus Division of Police. The reports include: a complete and accurate description including name of the item, maker and material, serial number/ID number; seller name and address and photo identification; identification number from a valid license; license plate number and state; thumb print; date and time of transaction and employee information; and declaration of whether price paid for scrap metal facility exceeds \$500.00. The electronic database is searchable by each of these criteria.

Columbus believes that this model is effective and can be adapted throughout the State. It can lead to improved response time for police investigations and enhanced communication among the various municipalities. I know that the Columbus Division of Police, Property Crimes Unit, is looking forward to receiving and sharing this information with fellow law enforcement across Ohio.

DO NOT BUY LIST

Another component that Columbus is excited about is the "Do Not Buy" list. The "Do Not Buy" list is composed of individuals who have been convicted of the criminal offense "sale of stolen goods". Columbus is currently working with both Franklin and Delaware counties to expand our list. Being able to increase our list with information from all 88 counties is yet another way we can tackle this problem at the local level.

Additionally, the "Do Not Buy" list creates a fairly easy, black and white, tool for our law enforcement and scrap metal facilities. Our Division of Police can use the electronic reporting database to search by name for any individual that has sold scrap metal. Those caught selling stolen goods, can be added by police to eliminate future sales from these individuals. Likewise, when an individual presents his identification, our facilities can easily run a search against the "Do Not Buy" list to determine whether he or she may sell the goods. Through cooperation

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with our fellow municipalities, this list will continue to grow and aid both law enforcement and scrap metal facilities in weeding out stolen goods.

ADDITIONAL SUGGESTIONS

While I commend the work of Senator Seitz and the Statewide Taskforce, there is more that can be done to limit the plague of scrap metal thefts on our cities. I have three additional suggestions that I ask the House Committee on Commerce, Labor, and Technology to consider.

Thumbprint

One of the items that our scrap metal facilities collect and report electronically is the thumbprint of the individual selling the scrap metal. A thumbprint can be used to search all individuals that have been fingerprinted, not just those on our “Do Not Buy” list. If a person has committed a violent or drug offense, he or she will be fingerprinted. This fingerprint can be used by police to identify and find suspected scrap metal thieves. I have a constituent who had piping stolen from her home. The police were not able to recover the pipes, but they were able to find the thief through fingerprinting when he was arrested on a warrant for a different crime. The constituent received damages for the cost of the material.

Additionally, scrap metal thieves often work in pairs. One person drives a car and provides their identification and license plate number when they pull into the facility. Another person will actually sell the items. The thumbprint helps law enforcement separate the driver from the seller. With the thumbprint, our Division of Police and City Attorney’s office are able to pursue charges for both the driver and the seller.

Catalytic Converters

Catalytic Converters convert harmful pollutants into less harmful emissions before they leave a car’s exhaust system. They are easily stolen from the bottom of parked cars. A thief can move quickly and efficiently through an entire parking lot, stealing catalytic converters from each vehicle.

In terms of scrap metal sales, catalytic converters are not that valuable, but they are a vital part of your car. They are also expensive to replace, costing on average more than \$1,000², and their theft is difficult to prevent. Even when parking in a garage or a well-lit parking lot, a scrap metal thief can get access to your car.

I have had personal experience with catalytic converter thefts. In addition to my work on Columbus City Council, I am also the President/CEO of St. Stephen’s Community House. Our parking lot is well-lit and monitored by video cameras, and yet I have had to call the Police more than once due to thefts of catalytic converters. Those visiting St. Stephen’s for our food pantry or our social services are just trying to make ends meet and cannot afford a costly car repair.

² Mirfendereski, Taylor. “Catalytic Converter Thefts on the Rise in Athens.” *WOUB* 16 April 2012.

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Thefts of catalytic converters affect working men and women. They cause delays and stress. Working parents are late to pick their children up from daycare, and they cannot reach work. Replacing the catalytic converter takes time and money that these women and men cannot afford to waste.

Columbus puts a limit on retail transactions of catalytic converters, only one per person, per day, unless reasonable proof of ownership is provided. This limit makes it that much harder for scrap metal thieves to sell their stolen goods. It is a deterrent from committing a crime that can affect any owner of a vehicle. Catalytic converters are a problem all across the state. Just a week ago, the rise in catalytic converter thefts in Athens was covered in several news articles.

Due to the difficulty to prevent these thefts and the devastating impact they can have on a family, I ask that you consider adopting Columbus' limit on the daily sale of catalytic converters, and making them a special purchase article.

Classification of Theft and Enhanced Penalties

Finding the thief is not our only problem with deterring scrap metal thefts. For prosecution purposes, any scrap metal theft under \$1,000 is recorded as just another petty theft. A shop-lifting theft at Wal-Mart will look the same as a catalytic converter theft. Shop lifting DVDs will cost Wal-Mart only the cost of the DVD. Stolen catalytic converters, on the other hand, will cost the car owner upwards of \$1,000 to replace even though the thief is only paid a nominal amount for the scrap metal contained in the converter. Our City Attorney's office has made it clear that a distinction between scrap metal thefts and other petty thefts would allow them to pursue a stronger prosecution based on the damage to the victim. It would also be helpful to distinguish scrap metal thefts for record retention and statistical purposes.

Finally, I come to enhanced penalties for those convicted of scrap metal theft, which was recommended by the State Taskforce. While I understand the need to reduce state costs associated with jail time for non-violent offenses, there is also a need to send a clear message to scrap metal thieves that these thefts will not be tolerated. The impact on our citizens and our communities justifies enhanced penalties.

CONCLUSION

Scrap metal thefts have become an epidemic in Ohio. I am thankful for Substitute Senate Bill 193. I know that it will do much to curb scrap metal thefts. I ask that you please consider my additional suggestions. Local law enforcement need every tool possible to combat this plight.

Thank you for the opportunity to provide proponent testimony on Substitute Senate Bill 193.